vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5313 OF 2007

The State of Maharashtra & Ors. ... Petitioners

V/s.

SHri Marcel Juje D'Souza ... Respondent

Mr.D.A. Patil, AGP, for Petitioner

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 8, 2007**

P.C.:

. The petitioner challenges the order of the Labour Court in Complaint (ULP) No.25 of 1994 which was passed on 26.8.2005. The petition also challenges the order passed by the Industrial Court on 21.11.2006 in Revision Application (ULP) No.141 of 2005. The Labour Court has declared that the petitioner has committed an unfair labour practice under Items 1(a) and (b) of Schedule IV of the MRTU & PULP Act. While doing so, the Labour Court has directed the petitioner to reinstate the workman in his post of watchman with immediate effect. The revision application filed by the petitioner has been dismissed.

2. Both the Courts below have concluded that there was no proof of abandonment of service. It has been held that the petitioner was obliged to hold an enquiry

even if there was an abandonment of service on the part of the workman. Besides this, both the Courts have found that the petitioner has not produced the muster rolls for the period from 21.2.1980 to 20.5.1984 despite being directed by the Court. In such circumstances, no interference is called for by this Court.

3. Petition rejected.